

From: Jon Webb
To: Microsoft ATR
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Subject: Opinion on Microsoft settlement

I understand that you are collecting opinions on the proposed settlement of the antitrust case with Microsoft. I strongly believe that the settlement represents nothing more than a complete capitulation of the government to Microsoft, which will only encourage Microsoft's illegal, monopolistic, and anti-competitive acts in the future.

It has been said that this case represents the last chance anyone will have to restrain Microsoft, because the role Microsoft's own records have played in this case will surely make them change their practices on the use of email to discuss their anti-competitive plans. The government has deliberately walked away from this chance.

The Clinton administration handed you a won case. All you had to do was to pursue the appeal following the strategy laid out in the trial case, and the appeal was winnable--all the facts were there. The judge's behavior hurt the case in the public's view, and the judge's removal meant that the judge would have to be replaced, but the facts were still there. Instead of pursuing the appeal, you dropped the ball.

The American computer industry will be hurt by this. Already Microsoft is chilling competition in new areas, including multimedia. For a brief time, during this case, it appeared that there might be a chance for real competition in this area, and many startups bloomed in response. Now that opportunity is over.

Jon Webb